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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,961	01/16/2004	Chia Song Lai	0977-P-15321	8181
7590 CHIA SONG LAI P.O. BOX 26-757 TAIPEI, 106 TAIWAN	02/06/2007		EXAMINER KHAN, IBRAHIM A	
			ART UNIT 2617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
3 MONTHS	02/06/2007		PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/759,961	LAI, CHIA SONG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ibrahim A. Khan	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 January 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Warren (US 20020197961).**

Consider **claim 1**, Warren clearly discloses a wireless communication glasses (*abstract, figures 1-9*) comprising:

Warren discloses a pair glasses having a lens frame and a temple connecting with the lens frame (*figures 1-9, page 1 paragraphs 0005, 0006 and 0008*);

Warren discloses an inherent wireless communication transceiver having a data cable connecting to a mobile phone for receiving signals from the mobile phone or transmitting signals to the mobile phone (*see figure 1, page 1 paragraph 0005, 0006, page 2 paragraph 0023 and 0026* where Warren discloses that cell phone receivers and transmits wireless signals to the transmitter and receiver that are mounted on the eyeglasses frame) ;

Warren discloses a wireless transceiver module assembled on the temple of the pair of glasses for receiving signals from the wireless communication transceiver and transmitting signals to the wireless communication transceiver (*see figure 1 and 2, page 1 paragraph 0005, 0006, page 2 paragraph 0023 and 0026 page 3 paragraph 0029* where Warren discloses that the eyeglasses frame has a transmitter and receiver that are situated in the temple of the frame);

Warren discloses an earphone receiving the signals from the wireless transceiver module and assembled on the temple of the glasses so as to bring the earphone into proximity with an ear of a user (*see figure 2 piece 24, page 1 paragraph 0005, 0007, page 2 paragraph 0023 and 0026 page 3 paragraph 0030* where Warren discloses a speaker that is mounted on the temple of the frame. The speaker receiver signals from the receiver and converts the signal into an audible sound); and

a microphone transmitting the signals to the wireless transceiver module and assembled on the temple of the pair of glasses (*see figure 5 piece 24, page 1 paragraph 0005, 0006, page 2 and 3 paragraph 0023 and 0028 page 3 paragraph 0030* where Warren discloses that the microphone transmits signals to the transmitter on the frame. Warren further discloses that the microphone can be mounted on the temple).

Consider **claim 2** and as applied to claim 1 above, Warren discloses that the temple has a flexible hooking portion formed at an end thereof, the hooking portion is curved in shape for hooking on the ear of the user, and the earphone is assembled on an end of the hooking portion (*see figure 2, page 3 paragraph 0030*).

Consider **claim 4** and as applied to claim 1 above, Warren discloses the temple further has an adjustable handle pivoted on a side thereof, and the microphone is assembled on an end of the adjustable handle of the temple so that the microphone approaches a user's mouth by moving the adjustable handle (*see figure 5, page 2 and 3 paragraph 0028*).

Consider **claim 5** and as applied to claim 4 above, Warren discloses that the temple further has a receiving space formed at the side thereof for receiving the adjustable handle, a holding slot formed at the end thereof and a screw hole formed in the holding slot, and the adjustable handle further has a fixed portion formed at an end thereof and received in the holding slot of the temple and a hole in correspondence with the screwing hole of the temple formed through the fixed portion so that the adjustable handle is secured to the temple by a screw screwing through the hole and the screw hole of the temple (*see figure 5, page 2 and 3 paragraph 0028 and 0035*).

Consider **claim 6** and as applied to claim 1 above, Warren discloses that the temple further has a battery arranged therein and a charging hole formed in a side thereof (*abstract, page 1 paragraph 0005, page 3 paragraph 0032 and 0034*).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Warren (US 20020197961)** in view of **Chen (US 5793464)**.

Consider **claim 3** and as applied to claim 1 above, Warren does not specifically disclose that the lens frame and the temple are separable from each other. Chen discloses that the lens frame and the temple are separable from each other (abstract, *figures 2-4, 7,8 and 11-13, column 1 lines 13-27*) the lens frame has a protruding portion formed at an end thereof and a screw hole defined through the protruding portion, the temple has two retaining portions respectively and oppositely formed at another end thereof and two penetrating holes corresponding with the screw hole of the lens frame respectively formed through the two retaining portion, and the protruding portion of the lens frame is arranged between the two retaining portions of the temple and pivotally secured by a screw screwing through the screw hole of the lens frame and the two penetrating holes of the temple (*see figure 2, column 1 line 64 – column 2 line 21*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Warren and unable the eyeglasses to have changeable temples as disclosed by Chen to change the decorative appearance of the frame (*column 13-15*)

***Conclusion***

3. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ibrahim A. Khan whose telephone number is (571) 270-1110. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Art Unit: 2617

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Ibrahim A. Khan*

I.A.K./iak

01/22/2007

*Nick Corsaro*

NICK CORSARO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600